

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA,)
)
)
v.) No. 1:09-cr-84-HSM-CHS-01
)
)
RASHAD TIPTON)

MEMORANDUM AND ORDER

RASHAD TIPTON (“Defendant”) initially appeared for a hearing on May 24, 2017, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for a Warrant or Summons for an Offender Under Supervision (“Petition”). On May 23, 2017 Attorney Larry Bush Hill filed an Entry of Appearance as retained counsel on Defendant’s behalf [Doc. 48]. The Government initially moved that Defendant be detained without bail pending a determination by U.S. District Judge Mattice as to revocation. Attorney Hill filed motions for a detention hearing and a probable cause hearing and asked for time to prepare for these hearings [Docs. 51, 53 & 54]. Probable cause and detention hearings were before the undersigned to take place on June 1, 2017 at 10:00 a.m. Defendant was temporarily detained until his detention hearing.

Preliminary Examination and Detention Hearing Proof

The Government called U.S. Probation Officer Shaquana Kennedy as a witness to testify about the factual allegations set forth in the Petition and related matters and was cross examined by Attorney Hill, counsel for Defendant. Both parties presented their respective arguments, which were fully considered by the Court.

Findings

(1) Based upon the evidence, which was consistent with the facts set forth in the Petition, the undersigned finds there is probable cause to believe Defendant has committed a violation of conditions of his supervised release.

(2) At the conclusion of the hearings, the Government announced it was no longer seeking Defendant’s detention upon imposition of certain conditions mutually agreed upon by the parties. The parties agreed that if released upon certain conditions, Defendant would not pose a risk of non-appearance or a danger to another person or to the community under Fed. R. Crim. P. 32.1(a)(6). Upon consideration of all of the factors set forth in 18 U.S.C. §§ 3142(g) and 3142(f)(2)(B), I **FIND** there are conditions which will reasonably assure the appearance of the Defendant and the safety of the community.

Conclusions

Accordingly, it is **ORDERED** that:

- (1) Counsel for Defendant and the Government shall confer and make best efforts to submit to U.S. District Judge Mattice a proposed Agreed Order with respect to an appropriate disposition of the Petition for Warrant for Offender Under Supervision as soon as possible.
- (2) In the event counsel are unable to reach agreement with respect to an appropriate disposition of the Petition for Warrant for Offender Under Supervision, they shall request a hearing before U.S. District Judge Mattice.
- (3) Defendant is released on conditions set out in the Order Setting Conditions of Release [Doc. 60].
- (4) The parties are **ORDERED** to appear at a status conference set **before the undersigned on July 20, 2017 at 9:30 a.m. [EASTERN] if they have not yet completed and notified the undersigned of the completion of items (1) and/or (2) above.**

SO ORDERED.

ENTER.

s/ Susan K. Lee

SUSAN K. LEE
UNITED STATES MAGISTRATE JUDGE